IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 4TH DECEMBER 2006 / 13TH AGRAHAYANA 1928

Bail Appl..No. 5953 of 2006()

CRIME NO. 45/06 OF PATHANAPURAM EXCISE RANGE

PETITIONER/ACCUSED NO.1

RAJU, AGED 35, S/O.PODIYAN,
KADAYIL VEEDU, KARAVOOR, PATHANAPURAM TALUK,
PIRAVATHOOR VILLAGE, KOLLAM.

BY ADV. SRI.VARGHESE C.KURIAKOSE
SRI.PRAVEEN K. JOY

RESPONDENTS: COMPLAINANT AND STATE
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1. STATE OF KERALA, REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. EXCISE INSPECTOR, PATHANAPURAM RANGE,
PUNALUR.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No. 5953 of 2006

DATED: December 4, 2006

O R D E R

Petitioner who is the first accused in Crime No.45/2006 of Pathanapuram Excise Range for an offence punishable under Sec. 55(g) of the Abkari Act for allegedly having been found in joint possession of 2280 liters of wash along with A2 and A3 on 6-6-2006, seeks anticipatory Bail.

2. The learned Public Prosecutor opposed the application submitting inter alia that the 2nd accused was arrested and he was granted regular bail after the expiry of 60 days..

3. I am not satisfied that both the grounds enumerated under sec.41A (b)(ii) of the Abkari Act are present in this case so as to justify the grant of anticipatory bail. There is no reason why the petitioner should not surrender before the magistrate concerned and seek regular bail. If the petitioner surrenders before the Magistrate concerned within two weeks from today and files an application for regular bail, the same shall be considered and disposed of preferably on the same day on which it is filed considering grievance of the petitioner if any, supported by documents to be produced.

With the above observation this Application is dismissed.

Sd/ V.RAMKUMAR,

JUDGE.

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